



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

NEWINGTON TOWN COUNCIL MEETING

December 16, 2008

Mayor Wright called the meeting to order at 7:01 PM in the Helen Nelson Room of the Newington Town Hall.

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present

Councilor Banach
Councilor Boni
Councilor Bottalico
Councilor Cohen
Councilor Lenares (exited meeting at 9:55pm)
Councilor Nagel
Councilor Nasinnyk
Mayor Wright

Councilors Absent

Councilor Bowen

Staff Present

Town Manager Salomone
Lori Verreault, Executive Assistant
Ann Harter, Finance Director
Ben Ancona, Town Attorney
Justin Clark, Counsel – Charter Revision Commission
Ed Meehan, Town Planner
S. Steven Juda, Assessor
Corrine Aldinger– Revenue Collector

III PUBLIC PARTICIPATION – IN GENERAL

Sandy Lallier, 27 Elton Drive: Mrs. Lallier commented about the Charter Revision Commission's public hearings held on December 15, 2008. She noted that the speakers were passionate about the subject, and stated that she had a problem with how the special meeting proceeded after the public hearings and how the Commission moved to send the draft report of the Charter to the Town Council with no mention made whatsoever of the speakers' opinions. She urged the Council to slow the process down and to think carefully about the Town's future six, seven and even ten years down the road. Mrs. Lallier urged the Mayor to stick to his promise of the three-percent cap without adding it and the budget referendum to the Charter. She asked the Commission and the Council to listen to the public and commented that the prior day's Charter Commission meeting was insulting to the public and a "sham" that brought down all of the Commissioners' hard work to date.

Carol Anest, 30 Harding Avenue, Chairperson – Newington Democratic Committee: Mrs. Anest stated that she is speaking as both a resident and as the Chair of the Newington Democrats. She remarked that it seemed

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suspicious that the Council had received the Charter Commission's draft report the Friday before the Public Hearing, and inquired what would have happened had there been revisions made to the draft. She stated that the majority of the Charter Revision Commission did not take public opinion into account and therefore gave the appearance of a charade. She noted that the Commission had invited guests to speak on various articles of the Charter and on the budget referendum, and then noted that the Commission told members of the public to take those speakers' opinions "with a grain of salt". Mrs. Anest commented that there was one motive by the majority: to add the budget referendum to the Charter, and stated that the majority of the Commission has made a mockery of the system. She stated that the residents deserve more respect and implored the Council to give the public that respect. She urged the Council not to rush to another public hearing until there has been a thorough discussion on the Charter and reminded the Council that the document will serve the Town for many years to come. She recommended that the Council takes the time to review the minutes and tapes of Commission meetings and public hearings and to do its due diligence. She asked the Council to take the time to review the Charter line- by-line, a process that cannot be done in only a few days and to take the time to fully understand the language in Charter section 821 (budget referendum). She stated that the Council needs to take the time to make sure that there are no sections of the Charter that can be challenged, that there is uniformity throughout and that the language has no grammatical errors. She requested that when it comes time for the Council to vote on the draft that each Councilor makes a statement for the record of why they voted yes or no. Mrs. Anest stated that the process should not be taken lightly.

Michael J. Fox, 1901 Main Street: Mr. Fox stated that his comments are an attempt to correct a gross injustice – the ill-conceived notion that the Town needs a mandatory three-percent budget referendum as well as some other changes that are being made to the Charter despite the impassioned outcries of Newington citizens. He commented that he feels that just as the majority members of the Charter Commission didn't listen to the public he feels that the majority of the Town Council won't listen either. Mr. Fox noted that despite all of the "phony" public hearings and all of the negative comments regarding the budget referendum and other changes, Commission Boni moved to send the draft report to the Council without any further discussion. Mr. Fox stated that the Mayor had accused him and others of calling the Town's citizens "stupid" and stated that it is the Mayor and the Commission that have that opinion. He inquired how the Commission could prepare a draft report without considering any changes suggested by the public and submit it to the Council a weekend before the Public Hearings. Mr. Fox stated that the way the budget referendum is set up it will not give the public much say as to how the money is spent, and stated that the initiative is a farce that will tear out at the roots the representative democracy that has served the Town so well over the past fifty years. He addressed the subject of representative democracy and the claims that it doesn't work. He inquired how members of the Council would be seated if representative democracy didn't work and stated that it does work. He noted that Charter Commission Chair Bafundo had indicated that representative democracy works when she stated that she had heard it from friends and relatives around Town. Mr. Fox expressed concern that another change to the Charter can plant the seed of corruption. He noted language in Charter section 301 which states: "The Mayor shall have one..." (Mayor Wright interjected and asked Mr. Fox to wrap up his remarks.) Mr. Fox stated that the Council has items on its agenda that will affect the Town for years to come. He noted Commissioner Bafundo's comment that it is mainly the people against the topic that come out to speak while those in favor generally stay home. (Mayor Wright again asked Mr. Fox to wrap up his remarks). Mr. Fox urged the Council to send "this farce" back to the Charter Revision Commission so that it can put together a proper and viable Charter that will serve the Town for at least fifty years.

Rodney Mortensen, 53 Meadowview Court, Former Mayor: Mr. Mortensen stated that whether you agree with the Commissioners or not they are all volunteers and are trying to do the best job possible. He noted that he has served on the Council and as Mayor in the majority and in the minority and stated that it is important for both to respect each other's opinions. He indicated that he had been in favor of Charter revision during his last term as Mayor and while it wasn't passed by the Council at that time he respected the Council's decision and stated that whether or not he agrees with this Charter revision majority rules and the document will go out to public vote. Mr. Mortensen stated that the Commission was too small, and therefore seemed to put one person against the next. He recommended that the next Charter Commission be made up of more members to avoid that problem. He noted discussions about the referendum and the three-percent cap and stated that while he doesn't necessarily agree with the mechanics of the proposed budget referendum he does believe that people should be able to vote on a budget. He noted a situation several years ago in which the Town did not have enough money to buy much-needed new police cruisers, yet the Friends of Football requested \$86,000 to install lights on the football field, something that he thought was a great idea, but he also thought that the money should not be spent on the football field while the Town needed new police cruisers. He noted that currently the Town has received a \$500,000 grant from the State, which is billions of dollars in debt, to install artificial turf at the midget football field. He noted that the Town spent only \$8,000 to repair the NHS football field and stated

that it looks beautiful. Mr. Mortensen indicated that the \$500,000 is not going to be enough to install the artificial turf and estimated that the Town will have to come up with another \$500,000 - \$750,000 to install the turf in a year when business are closing and people are losing their jobs. He stated that it is bad decision-making and stated that the people should decide whether they need artificial turf or whether the money can be better spent elsewhere. He stated that revenues, the economy, and the business environments are different every year, and noted that there have been years where the Town has needed a tax reduction. He expressed confusion about the education circuit breaker, and noted that there have been years in which the Board of Education has needed more money and years when they have needed less. (Mayor Wright requested that Mr. Mortensen wrap up his comments.) He thanked members of the Charter Revision Commission for their time and urged the Council to rethink the artificial turf at the midget football field.

Maddie Kenny, 53 Crestview Drive: Ms. Kenny stated that she was appalled, angered and disgusted upon learning that the Council received the Charter draft report on Friday night (December 12, 2008) that had not been voted on by the Commission until the Special Meeting on December 15, 2008. She stated that the draft report was to be considered for amendment, yet appeared to be a foregone conclusion. She remarked that the pre-release renders the constituency impotent and unworthy of consideration and makes involvement a sham. She commented that the pre-release was wrong. Ms. Kenny offered her apologies to Commissioners Boorman and Nafis for not being more vocal during the process and applauded their perseverance. Ms. Kenny stated that duplicity is rampant in higher governmental levels, and commented that even though we are neighbors and we know each other's names we have been fooled and disrespected. She stated that the Town was privy to the most blatant disregard to the democratic process that she has seen since becoming involved. She claimed that the process has been "bastardized" and stated that she hopes that people will become aware of the situation and not give up – just get mad. She indicated that she was going to request that the budget referendum and enabling three-percent cap as well as the language allowing Council members to serve on multiple boards and commissions to be reconsidered, to be removed from the body of work and to be considered and to be voted on separately. Ms. Kenny stated, however, that she has little hope that anyone will listen. She noted that there were snide comments made in defense of the amendment that would enable Councilors to serve on other boards and committees that change would legitimize that things have gone on despite regulations, and she commented that this does not make it right. She remarked that comments made that volunteers could be used to fill slots in the event of services being cut borders on absurd, and inquired as to who would volunteer to pick up her leaves. (Mayor Wright requested that Ms. Kenny wrap up her comments.) She stated that people will pay for services one way or another and remarked that even a well-respected Council member who is of the majority party opposes these changes. (Mayor Wright again requested that Ms. Kenny wrap up her comments.) Ms. Kenny stated that the Council needs to recognize that errors have been made despite good intentions and stated that it takes people of character to admit errors and change course. She inquired whether the members of the Council have such character.

Rose Lyons, 46 Elton Drive: Ms. Lyons shared her observations from attending or watching the Charter Revision Commission meetings. She indicated that she had publicly stated at the beginning of the process that she did not feel that she has the expertise to determine whether or not a budget increase of greater than three-percent is necessary, and indicated that she had been ridiculed by the Commission Chair for her comment. Ms. Lyons stated that she feels that most people in favor of a budget referendum are in favor because they believe the Republican statement that "Newington deserves independent thinkers whose goal is to empower the people of Newington to participate and to take back their government" and stated that these people are very naive as to what is happening in this Town. Ms. Lyons noted that over the past ten months she has repeatedly asked how the budget referendum is going to give her a voice as to how her tax dollars are being spent. She noted comments by Commissioner Bafundo that just because the Commission does not agree with her comments it does not mean that the Commission is not listening. Ms. Lyons remarked that she doesn't believe that the Commission is not listening, but rather that it is not answering her questions. She stated that she watched the December 1, 2008 Charter Commission meeting in which the Republican majority members "jammed" the draft Charter and the Public Hearing dates down the throats of the democratic minority. She indicated that she sat through both of the December 15 Public Hearings and listened to the speakers' opinions with an open mind. She stated that she had hoped that there would be a discussion on amending the draft report, only to later learn that the report had been sent a few days earlier, and inquired as to what message that sends the voters and the people that spent the time and energy to come out to the meetings. She noted that the Commission held a Special Meeting immediately after the second Public Hearing and noted that there was no discussion, only an effort by the majority to blatantly disregard the rules when Commission Boni introduced a motion to submit the proposed draft report, discussed at the December 15 Public Hearing, to the Town Clerk for transmission to the Town Council. She indicated that Commission Nafis had brought to the Chair's attention that perhaps Commission Boni had jumped the gun, at which time heated discussion ensued and Atty. Cark was asked his

opinion. She stated that she disagreed with Atty. Clark's opinion and that the rest was history, Ms. Lyons stated that she trusts her elected officials to make budget decisions based on what is needed for the Town. She requested that the Council separate the issues of Charter revision and the proposed budget referendum. She noted that although the current Republicans on the Council may think they won their seats based on the tax-cap promise, the recent Republican State Representative and State Senate candidates that ran on the same platform lost. She urged the Council to allow the public to choose to accept the Charter revisions with the budget referendum, or choose to accept the Charter revisions without the budget referendum so that the rest of the Commission's good work doesn't go to waste.

Robert Briggaman, 75 Groveland Terrace, Charter Revision Commission member. Mr. Briggaman noted a concern brought up by a member of the public at the prior evening's Public Hearing regarding the education circuit breaker. He stated that he had given the comment some thought and feels it is a valid point. He stated that the problem is that the circuit breaker states that the Board of Education "must" increase than no less than one-half of a percent over the Town budget. He stated that this would present a problem if the Board should ever request a very small increase of one or two-percent while at the same time the Town needs a much higher increase, for example six or seven-percent. He noted that if the budget is turned down twice and becomes an automatic three-percent increase and then the Board would actually receive more money than requested. He suggested changing the circuit breaker language to state that the "the final budget or the alternative final budget shall include an education circuit breaker whereby any increase in the Board of Education proposed expenditures may exceed any increase in non-Board of Education proposed expenditures by as much as one-half of a percent. (e.g. if the non Board of Education budget increases by two-percent, the Board of Education budget may increase by as much as two and a half percent). He submitted his recommended wording for the record.

Mark Pappa, 105 Back Lane, Mr. Pappa expressed disappointment in some members of the Democratic Town Committee for their disrespectful comments towards the Mayor and the three Republican members of the Charter Commission. He stated that several members of the Democratic Committee masked themselves as members of the general public during the Charter Commission's Public Hearing in order to oppose the three-percent tax cap and budget referendum, and he remarked that they should be embarrassed by their behavior. Mr. Pappa stated that most Democratic Town Committee members and constituents that spoke against the tax cap and referendum are deriving their personal incomes from government sources; therefore those people would have a natural aversion to any sort of tax cap. He also commented that he is insulted by comments that the public will not come out to vote on a budget or that they don't care or are not competent enough to make an educated decision on the Town's budget that will ultimately affect their tax bill. He stated that it will be the job of the Council and the Board of Education to justify any tax increase above the three-percent level. He explained that the tax cap is simple – like first grade math, and will be the voters' choice. He stated that it is not an election gimmick; it is here and it is real and it is the background infrastructure to provide voters with a level of protection with their taxes spiraling out of control and politicians spending money by putting the perceived needs of the government over the people. Mr. Pappa stated that it is Mayor Wright and the majority party's way of saying that they care about protecting the voters' interests over their own. He stated that it is a common-sense approach to government that is long overdue. He explained the term GAARP – Government at a Reasonable Price. He stated that the notion that Town services will suffer due to the three-percent tax cap is false, and stated that it is about delivering these services at an affordable and reasonable price, not the excessive rates that the Town has paid in the past for items such as excessive overtime, pay increases above inflation, the use of Town vehicles for personal use, or programs that are not used by the public. Mr. Pappa stated that Mayor Wright is working to deliver GAARP, which is why the public should support the tax cap and the referendum.

IV CONSIDERATION OF NEW BUSINESS

A Visit with Legislative Delegation

Mayor Wright introduced the Town's State Legislators: Senator Doyle, Representative Guerrera, Representative Nafis and Representative O'Brien. Each Legislator addressed the Council.

Senator Doyle stated that the upcoming year is going to be a challenging year, with the State's deficit continuing to grow. He stated that the legislature has a grave challenge to address and stated that there is not much good news to present. He stated that the main goal is to preserve State aid and to fight for equal funding. Senator Doyle stated that the sooner the State budget is in place the better. He indicated that there will be about an 18% cut made to the budget which will result in structural, fundamental changes to the State government like never seen before. He requested advice from the Council as to the Town's needs.

Representative Guerrero stated that the State is in financial turmoil due to inflation, housing market turmoil, the economy and unemployment. He stated that everything is on the table, including cuts and discussions about trying to combine agencies. He agreed that the sooner the State passes its budget the better, and stated that it will be very difficult. He advised the Town to tighten its belt.

Representative Nafis stated that the legislature's job over the next two years will be very difficult but should be seen as an opportunity to really take a close look at what is being done, and to try to do things better. She indicated that some new committees have been established to look at existing programs to see what works and what doesn't and stated that this information will be used during the budgetary process. She encouraged the Councilors to share any ideas and concerns they may have. She stated that there must be a cooperative effort moving forward.

Representative O'Brien noted that when he first office in 2003 the State was faced with a billion-dollar deficit and noted that the current situation is worse due to the magnitude of the State deficit and the economic crisis that is causing it. He remarked that State and local leaders need to think of new ways to help the people of the State through this economic crisis in order to emerge stronger and on the right track. He stated that there will be difficult decisions to be made, but stated good decisions will result in a stronger State.

Mayor Wright remarked that the State Representatives have always been very responsive to the Town's needs. He indicated that Town Assessor Steve Juda has proposed that the Town holds a statistical revaluation in 2010 rather than a full-revaluation, which would save the Town and other communities hundreds of thousands of dollars. He also stated that Pilot funding and education cost sharing are also of concern to the Town. He stated that the legislature needs to take a hard look at fair funding, and indicated that there is a real problem with fair funding. Mayor Wright noted that \$0.18 of every dollar spent in the Town's budget comes from the State, with the other \$0.82 per dollar coming from the Newington taxpayer. He indicated that Hartford receives \$0.61 per dollar from the State with only \$0.39 per dollar coming from taxpayers. Mayor Wright stated that this should be looked at and should be changed.

Councilor Bottalico spoke about the controversy surrounding the \$500,000 artificial turf grant for the midget football field. He inquired whether the grant can be changed so that the turf can be installed at the high school rather than at Clem Lemire field. Senator Doyle replied that it is feasible to do so, but requested the input and consensus of the Town prior to pursuing the change. Councilor Bottalico indicated that the best scenario would be to move the project to NHS, since the field could also be used by high school athletes and already has lights. Deputy Mayor Lenares noted that economic times were much better when the Town applied for the grant then they are at the present time and inquired whether there is a time limit for the grant funds to be used by the Town. He also expressed concern with moving the project to the high school due to scheduling concerns. Senator Doyle advised against delaying the acceptance of the grant, and advised the Town to move forward with the grant. Rep. Nafis explained that certain agencies may require a finite timeline for use of the funds, and advised to Council to observe the parameters for this particular grant. She agreed that the Town should move forward with the grant. Deputy Mayor Lenares inquired whether the Town can accept grant funds but then not use the funds right away. Rep. Nafis replied that the Town could begin to phase-in the project once it receives the funding. Rep. Guerrero stated that the Town could start using the funds a little at a time by scheduling engineering studies, etc. Mayor Wright noted that the discussion is regarding a \$500,000 grant for artificial turf at Clem Lemire field for football, soccer and youth lacrosse, which has already been bonded.

Councilor Banach inquired about the status of the proposed Hartford-New Britain busway and noted that he had read about a legislative snag in the process. Rep. Guerrero replied that there have been opinions that the project should be looked at again in regards as to whether it is feasible to move forward with the project and how much the busway would actually be used. Councilor Banach stated that he has been opposed to the project, and indicated that the project would cost about \$579,000,000. Rep. Guerrero stated that the cost estimate is actually about \$630,000,000, with 80% of the project being funded by the federal government and 20% being funded by the State. Councilor Banach stated that the project should be further studied, and stated that he does not see the worth of nine-miles of busway between Hartford and New Britain given the current economy, gas prices and employment statistics in Hartford.

Rep. Guerrero noted that President-Elect Obama has stated that he will introduce a stimulus package for infrastructure projects, and Rep. Guerrero stated that funding will be looked at immediately for projects that are shovel-ready. He recommended that the Town look into this opportunity for all projects that are in the design phase. Mayor Wright stated that this could be an opportunity for the Town and indicated that this could benefit

several projects such as the downtown revitalization project, the Town Hall renovation project as well as several road projects. Rep. Guerrera noted that this program will involve federal money and is intended to stimulate the economy. Rep. Nafis indicated that she spoke to the Governor's office and has learned that the Town is on the next STEEP list, which could occur as soon as January. She explained that all of the improvements along Main Street have been funded by the various phases of this grant, and stated that this will be the fourth phase. Mayor Wright stated that this phase will involve Market Square (street). Rep. Nafis stated that these types of projects will create jobs and help to stimulate the economy. Rep. O'Brien stated that this may end up to be a substantial stimulus package, and stated that while he does not have a definite definition of how the program will be set up it will be intended for projects that are already in the pipeline. Rep. Nafis stated that everyone is working very hard to make this happen and inquired whether the Town had received a letter from the Governor's office regarding the program. Town Manager Salomone replied in the affirmative. Rep. Guerrera suggested that several projects could be combined for this initiative.

Councilor Bottalico stated that the Town spends between \$700,000 and \$750,000 every five years for the revaluation process and inquired whether the Town will have the possibility to use technology for the revaluation process rather than hiring a consultant to perform physical assessments on properties. Steve Juda, the Town Assessor, spoke about his suggestions for the 2010 revaluation process. He indicated that the Town is required to perform a physical revaluation in 2010, and stated that doing so will cost the Town about \$750,000. He stated that the answer in 2010 may be the same as it was in 2005, and stated that the cost may be incurred without gaining any informative property details. He suggested that the State look at requiring revaluations every ten years rather than every five years, and made the following points:

- The 95% entry rate is not realistic, as the second attempt to enter the house counts as entry. Realistically, only 50% - 75% of properties are actually entered, leaving about 40% of properties counted as being entered even though they were not actually entered.
- The cost of a full-field revaluation will cost the Town up to three-times more than the statistical revaluation that the Town performed in 2005.
- Many homeowners do not let the data listers into their homes, and in some areas it is not safe for data listers to enter homes.
- If the Assessor's database has been maintained and updated and contains pertinent data then there is no need to replicate that data with physical revaluations.
- The assessments can be verified using technology, including map websites, real estate websites and other internet sources. The savvy assessor's office is no longer dependant on someone gathering physical information every ten years.
- Commercial properties are required to submit income expense statements, and many commercial properties are valued on the ability of that property to generate rent and the expenses incurred. Measuring the building will not do any good for these types of properties.
- The market value in 2005 increased, and has fallen only slightly in 2006-2007. Values have fallen only slightly since 2007, and if they continue to drop at the same rate they will be at the levels that were in place in 2005.

Senator Doyle stated that legislation will be introduced on the item.

Town Manager Salomone introduced Corinne Aldinger – the Town Tax Collector. Ms. Aldinger stated that the current tax amnesty program is unfair to those that pay their taxes on time, noting an instance where an individual actually stopped payment on a check after not paying taxes for a couple of years, citing the State's tax amnesty program. She noted that the program is based on the decisions of the municipally, and stated that as a unit the area municipalities are working on other options.

Councilor Nasinnyk inquired whether there are any regional programs or initiatives in the works. Rep. Nafis replied that she serves on a smart growth subcommittee that focuses on regional incentives, and noted that there will be legislation for low-cost and no-cost programs to be offered. She stated that she will keep the Town informed, and stated that all programs will be voluntary for the Town. She stated that the subcommittee has looked at various studies to learn that certain things work using a regional approach while others do not. Mayor Wright stated that there are benefits and risks associated with regionalization.

Councilor Nagel inquired about the State's 18% budget cut, and whether it can vary according to what relates to the Town. Senator Doyle stated that the 18% is a broad figure of what needs to be reduced or made up for in the State budget. Councilor Nagel inquired whether there are any low or no-cost proposals or projects in the works that will benefit the Town. Senator Doyle stated that any project that has a cost will not go anywhere this

year, and stated that many ideas come from the towns. Rep. Nafis stated that there have been some public service programs discussed and some that will be fine-tuned to help save revenue.

Councilor Cohen inquired as to the status of health insurance proposals. Rep. O'Brien stated that any program that has the potential for cost savings may be pushed higher on the agenda, and the health insurance proposals are one of those types of items. Mayor Wright requested that any participation in the pooling options be made voluntary.

Councilor Banach noted that he had read comments by Rep. Lawlor that one of the suspects in the Petit family murder case was being guarded around the clock in his prison cell at a cost of hundreds of thousands of dollars. He noted that the Corrections Department is over budget by millions of dollars and inquired as to who looks into the accountability of the poor judgment displayed in spending tax dollars in this fashion and the management of the Department of Corrections. Rep. Nafis stated that it is an executive function to provide prison oversight. Senator Doyle stated that the Commissioner of Corrections should be aware of the problem. Rep. O'Brien noted that audits are performed on State agencies every two years to make sure that money is spent properly and the agencies are following legislative intent. He stated that the Legislature should hold regular hearings on those audits and bring the heads of those agencies to the hearings to ask the tough questions.

Rep. Guerrero noted a conversation with Board of Ed Member Woods who had recommended placing a moratorium on mandates in the event that the State is going to cut ECS funding.

B Grant – Clem Lemire Recreation Complex CSAP 2008-19

Town Manager Salomone indicated that the initial grant period is five years with status reports required every six months. He suggested that once the Town receives the funds it should at least start the process. Mayor Wright agreed. Councilor Nasinnyk noted that grant money doesn't come for nothing, and stated that she will need more information before she feels comfortable making any decisions about the grant and the project. Councilor Banach agreed with Councilor Nasinnyk. Mayor Wright noted that the funds have been bonded for \$500,000 and once the application is in the Town has a couple of years to decide what it wants to do. Councilor Bottalico stated that the question is whether the artificial turf should be placed at Clem Lemire Park or the High School. Councilor Banach noted that the location will affect the cost. Deputy Mayor Lenares stated that the location will not affect the cost of the turf, and that the cost will depend on other parts of the project such as lighting. He inquired whether the project is shovel-ready, and if so would it be possible to take advantage of both the State funds and federal funding as described by the legislators. Town Manager Salomone replied in the affirmatives. Councilor Cohen requested more information regarding the safety of the artificial turf and stated that she has heard pros and cons about the surface. She stated that safety should be the priority and also inquired about the life-expectancy of artificial turf versus the cost of maintaining a grass field. Mayor Wright replied that while Councilor Cohen's questions are all very important, the question at hand is whether the Council wants to apply for a grant that it has already been bonded for, and noted that the Town does not need to make a decision about how to proceed with the project until the application process has been completed. Town Manager Salomone stated that extensive safety studies have been performed and the results will be shared at the appropriate time.

C TPZ 8-24 Referral on T-Mobile Lease Agreement

Town Manager Salomone indicated that he has had a number of discussions with T-Mobile, and has a preliminary agreement in place. He stated that there are a number of steps to be taken to move forward with the process, the next of which is to refer the matter to the TPZ for review in accordance with Section 8-24 of the State statutes. He stated that if the TPZ approves the proposal it will come back to the Council for discussion of whether it wishes to move forward with the lease and discussion of the lease terms. Town Manager Salomone stated that the only action that the Council is requested to take at this time is to authorize him to submit the proposal to the TPZ. He stated that the revenue that the Town will receive from the lease agreement will help with replacement of communications equipment, and will be a good attempt to keep these items off budget in the future.

Deputy Mayor Lenares inquired whether this contract will be similar to a current contract with Marcus Communications in which the Town has experienced some problems with collecting revenue. Town Manager Salomone replied that it is a completely different type of situation, and also noted that the problems with Marcus have been resolved. Mayor Wright reiterated that the item on the agenda is for the Council to authorize the Town Manager to refer the matter to the TPZ, and stated that the terms of the contract would be discussed at a later date.

Councilor Bottalico inquired as to who will construct the tower. Town Manager Salomone replied that T-Mobile will construct the tower. Councilor Bottalico inquired who will get the money for any additional carriers that use the tower. Town Manager Salomone replied that T-Mobile will collect income from additional carriers, but stated the Town will receive an eighteen-percent increase on each carrier. Councilor Bottalico expressed disagreement over this arrangement and stated that each carrier should pay the Town. Town Manager Salomone disagreed and stated that the Town does not want to have to collect from each individual carrier, and he stated that this is the way that these arrangements are usually carried out. Councilor Bottalico stated that it is done differently with the tower on the mountain. Town Manager Salomone indicated that the tower on the mountain is a completely different situation. Councilor Bottalico stated that he would not approve of a contract with the terms that the Town Manager described. Town Manager Salomone replied that he is not asking the Council to approve the contract at this point, only to authorize him to send the application to the TPZ. He stated, however, that the terms of the contract are normal for this type of situation. Councilor Cohen inquired about the details of the tentative agreement. Town Manager Salomone again stated that the item for up for approval is to send the item to the TPZ, and once the TPZ approves the item it will come back to the Council for thorough discussion. Councilor Banach inquired whether other carriers would be interested in the tower. Town Manager Salomone explained that normally one company spearheads the construction of the tower, and the tower is often then subdivided into other carriers. Councilor Bottalico remarked that T-Mobile needs that tower, and stated that T-Mobile will sell to more carriers and will make big money from the other carriers while the Town makes a mere eighteen-percent. Town Manager Salomone stated that the first step is to send the item to the TPZ. Mayor Wright concurred.

Motion to waive the rules by Councilor Boni. Motion seconded by Councilor Cohen.
Motion to waive the rules passed 8-0 (Councilor Bowen Absent)

Deputy Mayor Lenares moved the following:

RESOLVED:

That the Town Manager is hereby directed and authorized to submit a proposal for a “T-Mobile tower on Town-owned property at Anna Reynolds School” to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes, as amended.

Motion seconded by Councilor Cohen. Motion passed 8-0 (Councilor Bowen Absent)

D Emergency Generator/High School Air Conditioning Phase II – Bid Award

Town Manager Salomone indicated that there is a substitute resolution for the Council's consideration, and asked Ann Harter and Steve Woods to speak to the Council about the item.

Mr. Woods stated that the bids were favorable for the project, and explained that the two projects, the NHS air-conditioning project and the emergency generator project were put together in order to receive increased funding from the State over what was originally anticipated. He stated that the project is right on budget at \$945,000 but stated that there are some issues with how the Town is receiving the funds for the emergency generator portion of the project; therefore the Committee is recommending that the Council take action to move forward with just the air conditioner portion of the project at this time. He asked the Council to authorize the Town Manager to enter into a contract with Action Air systems in order to move forward with phase II of the air-conditioning project. Mr. Woods indicated that once phase II is complete the main corridor of NHS will be air conditioned. Mayor Wright noted that these units are climate control systems and provide both heat and air conditioning. Mr. Woods stated that the new system also has the ability to cool or warm the air using outside air, which is a very energy efficient system. Councilor Bottalico inquired whether phase II includes the second floor. Mr. Woods replied that it includes the first and second floors. Councilor Bottalico inquired whether there are any exposed pipes in the classrooms. Mr. Woods replied in the negative.

Town Manager Salomone explained that while the Town does have its share of the money in place for the emergency generator, it needs to designate the funds that the Town will receive from the State. Mayor Wright stated that the project will actually cost the taxpayers less money. Mr. Woods stated that the money is available but the Town is just waiting to receive the funds in order to move along with the next phase of the project. Councilor Nagel inquired whether the Council needs to act on the item at the current meeting. Mr. Woods requested that the Council acts on the air conditioning portion of the project at the current meeting, and stated that the emergency generator project will be on the agenda for Council action next month.

Motion to waive the rules by Councilor Nagel. Motion seconded by Councilor Cohen.
Motion passed 8-0 (Councilor Bowen absent)

Councilor Nagel moved the following:

RESOLVED:

That the Newington Town Council, pursuant to Chapter 8, Article X, Project Building Committees, of the Newington Code of Ordinances,

(1) accepts the bid of Action Air Systems of Manchester for Phase II air conditioning work at the Newington High School in the amount of \$479,000;

(2) authorizes the Town Manager to enter into contract with Action Air for the amount indicated in accordance with the Final Project Budget, and

(3) accepts the Final Project Budget as submitted.

Motion seconded by Councilor Cohen.

Councilor Nasinnyk inquired when the work will begin on this phase of the project. Mr. Woods stated that the work will begin during this holiday break and the bulk of the work will be done in February.

Motion passed 8-0 (Councilor Bowen absent)

E Acquisition of Property – Municipal Parking Lot

Mayor Wright explained that the Downtown Revitalization Committee has voted to ask the Council to move forward on the acquisition of the Bonelli property, located behind Cuginos restaurant. He stated that the funds for this part of the process would come from the \$1 million dollar State grant funds. He invited Town Planner Ed Meehan and Town Atty. Acona to speak to the Council on the item.

Mr. Meehan stated that the goal to acquire this property has been in place since the 1980's. He indicated that the property is about 24,000 square feet and partially paved and also contains a stand of trees. He indicated that it is surrounded on the northeast and south by Town property. He indicated that the Committee has submitted a request for appraisal quotations and has received about six responses. He stated that the Committee is ready to initiate the two appraisals if the Council authorizes Atty. Acona to do so, and indicated that the appraisals would be ready by mid-January.

Atty. Acona explained that once the appraisals have been performed, State statute 28-6 will allow him to attempt to negotiate a friendly sale with the property owner, and if that is not successful then the Town would then pursue condemnation in accordance with State statutes.

Councilor Bottalico stated that he does not want to discuss acquisition of the property until he sees a dollar value of the property. Mr. Meehan stated that if the Council authorizes the Committee to hire the two appraisal firms then the appraisals should be ready by mid-January. Councilor Boni inquired whether the property is assessed at a certain value. Mr. Meehan replied that while the property is assessed at a certain value the appraisals will look at comparable property sales and will provide a professional opinion. He stated that two appraisals will be needed no matter which acquisition method is used. Atty. Acona stated that he cannot move forward with the acquisition process without the appraisals.

Mayor Wright inquired whether the date to receive the appraisal results could be moved from January 15, 2009 to January 13, 2009, due to the next Council meeting being scheduled for January 13. Mr. Meehan stated that he will make the request to the firms and remarked that it should not be a difficult piece of property to appraise.

Councilor Bottalico inquired about the cost of the appraisals. Mr. Meehan stated that one of the quotations was for \$1,000, and the second came in at \$2,200. He noted that the other quotations came in at \$2,300 - \$2,600. Councilor Cohen noted that the discussion is to allow the Town Attorney to move forward with the appraisals prior to moving forward with the acquisition negotiations. Councilor Nagel inquired whether Atty. Ancona can foresee any stumbling blocks with the acquisition of the property. Atty. Ancona replied in the negative and stated that he hopes that the Town can proceed with a friendly sale. Councilor Nasinnyk asked for an explanation of a friendly sale versus condemnation. Atty. Ancona explained that condemnation is dictated by State statute and is basically an eminent domain taking. He stated that under this process the Town would file

with the courts the amount of money that the Town believes that the property is worth, and the owner would have the right to come into court and ask for more money. He stated that the amount of the sale would be litigated rather than the sale itself. Councilor Nasinnyk expressed concern that using the grant funds for the purchase of the property will whittle down the funds to the point that there will not be enough money left to do the remainder of the project and inquired whether this is the only piece of non-Town property on the project site. Mr. Meehan stated that it is the only piece of non-Town property left on the overall master plan. Councilor Nasinnyk inquired whether this property is essential to the project. Mr. Meehan replied in the affirmative. Town Manager Salomone noted that once the appraisals are complete the Council will hold an Executive Session to discuss the details of the acquisition.

Councilor Bottalico inquired about the stipulation between Cuginos restaurant and Bonelli. Atty. Acona explained that the operator of Cuginos has easement rights for parking, and stated that the end result will not take any parking easement from Cuginos.

F Schedule Public Hearing re Charter Revision Commission Report

Mayor Wright indicated that the Town Clerk has transmitted the Charter Revision Commission's draft report to the Council and invited Atty. Clark to speak to the Council regarding the state of the Charter revision process. Mayor Wright noted that the process is bound by State statute. Atty. Clark gave an overview of the process and the statutory requirements of the process:

- The Council has received the draft report, which creates certain duties for the Council as spelled out in Chapter 99 of Connecticut General Statutes.
- Since receiving the draft report, the Council shall hold at least one Public Hearing on the draft report and shall hold the last Hearing not later than 45 days from the submission of the draft report to the Council.
- As the report was submitted to the Town Clerk on December 15, 2008, the Council must hold its last hearing no later than January 29, 2009.
- Not later than 15 days after its last Hearing, the Town Council shall make recommendations to the Commission for changes to the draft report, as it deems desirable.
- If the Council makes no recommendations for changes to the draft report within 15 days, the report of the Commission shall become final and the Council shall act on that report.
- If the Council does make recommendations for changes in the draft report, the Commission shall confer with the Council concerning any of those recommendations and may amend any provisions on the Charter in accordance with those recommendations, or the Commission can reject those recommendations.
- In either case, the Commission shall make its final report to the Council not later than 30 days after it has received the recommendations.
- Not later than 15 days after getting the final report, the Council, by a simple majority vote of its membership, shall either approve or reject the proposed Charter.
- Not later than 45 days after a vote from the Town Council to reject it, a petition for a referendum on the proposed Charter, signed by at least ten-percent of the Town's electors, may be presented to the appointing authority.
- Not later than 30 days after approval by the Council or the certification of a petition, the proposed Charter shall be published in full at least once in the newspaper having general circulation in the Town with a notice that a complete copy is available in the Town Clerk's office and that a copy shall be mailed to any person who requests a copy.
- The Council shall then determine by a majority vote whether the proposed Charter shall be submitted to the voters for approval or rejection at a regular election or a special election called for that purpose. Regardless, such election must be held no later than fifteen months after either the approval by the Council or the certification of the petition.
- The proposed Charter shall be prepared for the ballot by the Council and may be submitted in the form of one or several questions. If it is approved by the majority of the electors of the Town in a regular election or is approved by a majority which number equals at least fifteen-percent of the electors of the Town at a special election, the proposed Charter shall become effective based on a date specified therein.
- If the proposed Charter is approved the Town Clerk shall file copies with the Secretary of the State's office and the Secretary of the State will distribute them to the State Library.

Mayor Wright inquired whether the process has been handled correctly according to State statute. Atty. Clark replied in the affirmative. Mayor Wright inquired as to the name of the document that the Commission has worked off of during the entire process. Atty. Clark replied that the document has been called a draft throughout the entire process. Mayor Wright inquired whether the Commission sent out copies of that draft every time it met and made changes to the document. Atty. Clark replied in the affirmative and explained that any changes made at a particular meeting would be input into a master document and circulated to the Commission. Mayor Wright inquired whether the document would be named as a different version every time. Atty. Clark replied in the affirmative.

Mayor Wright indicated that he is asking these questions because there have been people who have implied that the Council has received an advance version of the draft report and that the changes were a done deal in advance. Atty. Clark stated that this is not the case, and explained that several people had requested to be added to the distribution list to receive drafts of the Charter, and indicated that according to his understanding copies were also distributed to the Council. He stated that the draft was also posted on the Town website. Mayor Wright noted that the Commission voted to send the draft report to the Council without any amendments after the Public Hearing. Atty. Ancona stated that he understands the frustration that took place when there was a completed draft report followed by a Public Hearing and stated that he has heard comments that there was a sense that no one was being heard. He stated that the frustrating part is that State statutes require this procedure – and indicated that State statute 7-191 (A) requires the draft report to be completed prior to the Commission's final Public Hearing.

Mayor Wright inquired about the duties of the Town Council from this point forward. Atty. Clark stated that the Council has clear duties under the statutes, and that the Council must hold at least one public hearing no later than 45 days after the report is submitted to the Town Clerk. He stated that the Council's role is to take input from the public and to decide whether to recommend any changes to the draft report, or to accept the report as written. He stated that the Council's role then becomes to accept or reject the report and to set it up for public vote. Mayor Wright inquired whether State statute requires what information is transmitted to the Council with the draft report. Atty. Clark replied in the negative and explained that the draft report can be whatever the Commission wants it to be. He stated that the only requirement is that any changes to the Charter accompany the report.

Mayor Wright stated that the first order of business is to schedule a Public Hearing on the Charter Revision Commission's draft report. Councilor Cohen inquired whether any changes that the Council should decide to make to the draft report will affect the Public Hearing date. Atty. Clark replied in the negative, and stated that the Council has no more than 15 days from the last Public Hearing to make recommendations back to the Commission. Mayor Wright suggested setting the Public Hearing for January 13, 2009 at 6:00pm. He indicated that the Town Council can convene its regularly scheduled meeting on that date immediately following the Public Hearing. Councilor Banach indicated that the Council is also scheduled to meet on January 27. Mayor Wright stated that the January 13 date will give the Council more flexibility. Councilor Nasinnyk inquired about the timeline to send recommendations back to the Commission after the final Public Hearing. Atty. Clark stated that the Council will have 15 days to submit recommendations to the Commission after the final Public Hearing. Councilor Banach inquired whether the Council is seeking to limit the number of Public Hearings to one. Mayor Wright replied in the negative, and indicated that while the statutes require one Public Hearing the Council can decide to hold more. Councilor Banach inquired as to when the Council would set the date of the first Public Hearing. Mayor Wright replied that the Council would set the first date at the current meeting and can decide to add any additional Hearings at subsequent meetings. He again suggested scheduling the Public Hearing on January 13, 2009. Councilor Cohen inquired whether a legal notice of Public Hearing is required. Atty. Clark replied in the negative but recommended doing so. Councilor Cohen inquired whether there is an outside date for holding the last Public Hearing. Atty. Clark replied that the date would be January 29, 2009.

Motion to waive the rules by Councilor Bottalico. Motion seconded by Deputy Mayor Lenares
Motion passed 8-0 (Councilor Bowen Absent)

Councilor Nagel moved the following:

RESOLVED:

That the Newington Town Council hereby sets a Public Hearing Re: Charter Revision Commission Report, for Tuesday, January 13, 2009 at 6:00pm.

Motion seconded by Councilor Bottalico.

Councilor Banach inquired whether the Public Hearing should precede the regular Council meeting, noting that the Commission's Hearing went for several hours. He indicated that 5:30pm or 6:00pm may be too early for the public, and inquired whether the meeting should be held on a separate day from the meeting. Deputy Mayor Lenares suggested holding the Public Hearing on Monday, January 12, 2009. Councilor Banach agreed, and stated that holding the Hearing on a separate evening will give the public the time it needs to come out and speak, and stated that the Council should do everything in its power to engage the public in the process. Councilor Nasinnyk and Deputy Mayor Lenares agreed.

Councilor Nagel amended his motion as follows:

RESOLVED:

That the Newington Town Council hereby sets a Public Hearing Re: Charter Revision Commission Report, for Monday, January 12, 2009 at 7:00pm in the Council Chambers of the Newington Town Hall.

Amendment seconded by Councilor Cohen.

Roll call vote on amendment (requested by Mayor Wright):

Councilor Banach - Yes
Councilor Boni – No
Councilor Bottalico – Yes
Councilor Cohen – Yes
Councilor Lenares – Yes
Councilor Nagel – Yes
Councilor Nasinnyk – Yes
Mayor Wright - Yes

Amendment passed 7-1 as indicated (Councilor Bowen absent). Vote on the motion passed 8-0 (Councilor Bowen Absent).

G Discussion of Charter Revision Commission Draft Report

Councilor Cohen stated that her recommendations are not criticisms, rather they are jitems that she feels need to go back to the Commission for revision. She recommended changes to the following Charter sections:

- Section 611 – Library Trustees should be placed at the end of the list of commissions, otherwise it is saying there are members of trustees, not members of commissions.
- Section 709 – The word “departments” should be inserted to the last sentence of the page to state “administered by other departments or commissions”.
- Section 407 and Section 812 – The last sentence was deleted from section 407 because the Town does not use tax anticipation notes, but when section 812 was discussed the Commission decided that the Town may someday need tax anticipation notes. Therefore the deleted sentence regarding no public hearing needed for tax anticipation notes should be restored to section 407.
- Section 808 – The Commission did not check back with Ann Harter regarding whether her comments in this section were in regards to transfers among non-recurring capital and expenditure project funds as Councilor Cohen had requested.
- Section 408 – the heading should include “and special appropriations”. The Commission had added in line four “and such majority consists of ten-percent or more of the total number of qualified electors” and then deleted the phrase. This phrase should be put back in.
- Section 410 – except for the increase in the dollar amount, the original language should be restored. The Commission deleted the minimum number of voters, and should put it back. The Commission also changed the intent so that the voters are required to approve the Council's action. This is a challenge to the Council's action and was about rejecting the Council's action. It should be put back as it was.
- Section 411 – the sentence regarding “ten-percent or more of the total number of the qualified electors” which the Commission deleted should be put back. Line twelve of the section: insert a space between “be” and “held”
- Section 821 – This section requires a budget referendum if the new budget mill rate exceeds the current mill rate by three-percent, however, the Commission deleted language regarding the Council establishing the mill rate in section 805. Section 821 has no mill rate to refer to, and if it is determined

that the budget increase is to be very low and therefore no referendum is to be required, the Council never establishes the mill rate. This language should be restored to section 805, as having the Council establish the mill rate would not prevent the promised budget from going to referendum.

Atty. Clark stated that under Connecticut General Statutes Section 7-194 and 1-130, Towns have wide discretion to establish their financial decisions as they see fit. He noted that home rule is very important in the statutes and it would be deferred to the legislative body of the Town as to who would set the mill rate, and it would be the Council that does so. Councilor Cohen inquired whether the referendum process would be affected if the language was left in. Atty. Clark replied in the negative. Councilor Cohen stated that there is no point in deleting the language. She continued with her comments:

- Section 821 – the language regarding the budget referendum is ill-conceived, poorly written, confusing and should be tossed out. Wanting to keep the budget down and give voters a say in the budget process may sound very attractive, but that does not make the proposal a well-written document. It should be reviewed sentence by sentence. This document has not been analyzed and each step has not been justified by the Commission members. At no point was consideration given to non-tax revenue or a low collection rate. There is no requirement for a minimum number of voters. Which item on page one of the budget book is the “real dollar value” of the budget? Why refer to an estimated mill rate?

Mayor Wright inquired whether the Commission reviewed section 821 line-by-line as Councilor Cohen had requested. Atty. Clark replied that the Commission went through every line of the draft report at least once, and twice on several sections. He stated that section 821 was the most heavily discussed section in the draft report and has been discussed at great length. He stated that the Commission reviewed section 821 in detail on December 1, 2008 and did make several changes. Mayor Wright stated that the language “real dollar value” was written to achieve a policy requirement. Atty. Clark stated that the term “real dollar value” is an attempt to take the total number of a proposed budget in a given year. Councilor Cohen inquired if the “total number” is the amount to be raised by current taxes. Atty. Clark stated that the phrase is meant to be the total amount that is proposed to be spent by the Town in a given year. Councilor Cohen resumed her comments:

- Section 821 refers to the “total expenditures” however there are no expenditures until money has been spent. The term should be “proposed expenditures” or “appropriations”. If the education circuit breaker refers to a percent increase in the operating budget amount, then that should be made clear. If the Council goes through all that work and then is forced to keep a three-percent increase over the previous year and in a revaluation year the operating budget is capped rather than the mill rate, does this mean that a three percent increase in the operating budget has to be divided between the Town and Board so that the Board gets a half-percent more of an increase over their previous year’s operating budget than the Town gets in its increase over last year’s operating budget?

Mayor Wright stated that there is a mathematical formula that takes care of that question. He stated that if the tax cap comes into play the circuit breaker will give a half-percent edge to education over non-education spending. Councilor Cohen inquired how to do the math. Mayor Wright stated that it is simple math, and stated that there is an Excel spreadsheet available to explain the math. Councilor Cohen continued with her comments:

- Section 821 – If the referendum section is separated from the rest of the proposed Charter when presented to the voters and the referendum section fails and the rest of the Charter passes, you will have section 805 with a reference to a non-existent section 821. She inquired whether the people who endorse a three-percent tax cap actually endorse the cap or do they endorse section 821. Our Charter is intended for use by the public and should contain language that makes sense. It should not require an explanation by an attorney every time a question is raised. It was an easy-to-read document and it should remain an easy-to-read document.

Councilor Cohen stated that she cannot support the draft report the way it stands now. She remarked that the Commission did some excellent work on items that needed to be updated, but stated that she cannot support the draft as written.

(Deputy Mayor Lenares exited the meeting at 9:55pm)

H Discussion of Referendum Question

Councilor Nasinnyk stated that she would support separating the referendum question from the rest of the Charter question on the ballot for the reasons listed by Councilor Cohen. She stated that there has been a lot of good done with the Charter updates, and stated that there is the risk that the entire document can be voted down by voters who are opposed to the budget referendum if the two questions are not separated. She stated that she attended many Commission meetings and stated that although she has attended the meetings with an

open mind, not a single person has given her a reason to support the budget referendum and stated that she will not support the Charter draft as written.

Councilor Banach concurred with Councilor Nasinnyk and stated that with the magnitude of the work being done with the Charter revision the question must be asked: whose interests are being served, and to serve the public's interest why wouldn't we separate the questions of the budget referendum and the rest of the Charter. He stated that having only one question takes away from the work of the Commission and does not serve the public at large.

Councilor Bottalico stated that he is in support of the budget referendum and the language as written. Councilor Nagel stated that any grammatical mistakes should be adjusted. He also stated that he is in support of the three-percent tax cap and the budget referendum as written, but stated that he is open to suggestions. Councilor Boni noted that he is on the Charter Commission and stated that he is in favor of the draft report as written. Mayor Wright inquired about the results of the Commission's vote to send the draft report to the Council. Atty. Clark replied that the vote was four in favor, one opposed. Councilor Banach remarked that the vote was to send the document to the Council, but it did not necessarily indicate each Commissioner's support or endorsement of the document. Councilor Nasinnyk stated that the previous Charter has stood the test of time for over fifteen years and has been praised as a strong document by many former leaders of the Town. She expressed concern about how the three-percent tax cap will affect the Town on a yearly basis and that it will eventually hinder the Town government's ability to run the Town properly.

Mayor Wright stated that the Charter will not change unless the people vote for the change. He stated that the Commission and many members of the public believe that any document can be improved, and stated that the revisions have made massive leaps and bounds for the future. He stated that not everyone will agree on the document, but that ultimately the people will vote on whether or not they agree with the document. Mayor Wright remarked that while many speakers at the Public Hearing were respectful, many said hateful things about other people, which bothered him and is the reason why he requested that people who make comments during public participation do so respectfully and professionally. He stated that part of the reason he introduced Charter section 821 back in July was because he believed that these are changes that the people want and that people want to be part of the process. He remarked that the government should expect people to write tax checks, and if people have to pay taxes then they should have a say in the process. He stated that a budget referendum is a step in the right direction because even if a town offers the best services it won't matter if people can't afford to live in that Town. Mayor Wright stated that the bottom line is that this document will secure Newington's future for many reasons:

- Every person that is a registered voter will have the opportunity to vote on what his or her tax increase is going to be.
- This will help seniors with fixed incomes, young working families and others have the predictability of what their tax increases will be in the future

Mayor Wright indicated that over half of the communities in the State allow for budget referendums, and this proposed document is one of the most thoughtful budget referendum processes in the area that will allow for the will of the people to be played out, therefore allowing for more people to want to invest in businesses in the community and will create a golden opportunity for people who wish to move into the Town. He stated that everyone wants to keep taxes down, but noted that there are only two ways to do so - control spending, or increase the tax base. He stated that attracting more businesses will help to make Newington a more affordable place and will help secure Newington's future. He stated that this Republican team signed a three-point pledge that promised three things:

- Taxes will not increase by more than three-percent
- The creation of a budget referendum process
- That there will be a complete and unbiased review of school security

He stated that the school security study was completed a year ago, and noted that the Council held the tax increase to 2.86% in the most recent budget while doing many positive things for the Town, including:

- Increasing education funding by \$2.3 million dollars
- Adding three additional uniformed police officers
- Creating a very aggressive capital improvement project with over \$3 million dollars put into the infrastructure of the community and the schools
- Creating a very aggressive growth program

Mayor Wright noted that many people had said that those would be impossible accomplishments, yet the items were accomplished. He stated that the Republicans will now support this draft report, and will allow the people to ultimately choose whether they want a three-percent tax cap, budget referendum process and the education

circuit breaker, which will provide a budgetary edge towards the education of the Town's children. Mayor Wright noted several speakers at the Public Hearing who had commented that the Charter revision process is a "sham" and he stated that he takes offense to such comments. He stated that the Charter Commission held approximately twenty-four meetings, and there was the opportunity for public participation at the beginning and end of each meeting and stated that the entire process was followed in accordance to State statutes. He remarked that saying that the process is a sham is wrong, misleading, and it undermines the entire democratic process. Mayor Wright stated that the Commission has been meeting for a year, and noted that the meetings were often several hours long and involved countless hours of hard work and volunteer service. He stated disappointment in members of the public who made this into a personal issue. He commented that it is ok to disagree on the philosophical issues, and stated while there were people on both sides of the issue who disagreed very respectfully there were also people who disagreed in a very disrespectful manner throughout the entire process. He remarked that while some people want the public to believe that the public response has been in overwhelming opposition to the Commission's work, in reality the overwhelming majority of the people who have spoken against the document are members of the Democratic Town Committee. He stated that these members were opposed to the Republican's slate during the last election and have reverted to their old scare tactics. He stated that he takes offense to this, and takes offense to comments made during the election and in the past year. He stated that there had been comments that as Mayor he would slash education funding when in fact education funding was increased by \$2.3 million dollars. He stated that there had been comments that senior programs would be "gutted", which was not done at all. He stated that there have been many baseless accusations that have proven to be completely untrue, and many were paid for and approved by the Newington Democratic Town Committee. He stated that the Republicans signed their names to a document and he stated that he will keep those promises. Mayor Wright stated that he fully supports the budget referendum and stated that it is a rock-solid document. He explained the budget referendum process as written and stated that no one wants the budget process to go on forever. He remarked that the process is simple, concise and free of loopholes. He stated that if people want there to be an increase greater than three-percent then they can vote in favor of the increase. Mayor Wright indicated that there have been many years with tax increases of six percent or greater, and noted that the average taxpayer's increase over the past seven years prior to the Republican party's election was more than eight-percent per year. He stated that this is why people want this change. Mayor Wright stated that this process has gone on for over a year and will continue to move along. He stated support for one question on the ballot for voters to support or reject the revised Charter.

Town Manager Salomone indicated that with the time approaching 10:30pm the Council will need to move along with agenda items that require votes or will need to vote to allow for voting after 10:30pm. The Council agreed to move along with the agenda and then revisit the current agenda item.

V RESIGNATIONS AND APPOINTMENTS

- A Conservation Commission
 - 1. Acknowledge Resignation of Tony Vasi
 - 2. Appoint a Replacement (none)

Councilor Boni moved the following:

RESOLVED:

That the Newington Town Council hereby accepts the resignation of Tony Vasi from the Conservation Commission, in accordance with correspondence dated November 14, 2008.

Motion seconded by Councilor Cohen. Motion passed 7-0 (Deputy Mayor Lenares and Councilor Bowen absent).

- B Appointments to Other Boards and Commissions

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

16. School Code Compliance Committee

**5 members, No term end
Party Max.: 4**

Name	Address	Party	Term
Town Council Rep.: Mike Lenares		R	Council Term
Town Council Rep.: David Nagel		R	Council Term
Town Council Rep.:			Council Term
Bd. of Educ. Rep. Daniel Carson, Sr.	223 Little Brook Drive	R	BOE Term
Bd. of Educ. Rep. Stephen R. Woods	94 New Britain Avenue	D	BOE Term

Motion seconded by Councilor Cohen. Motion passed 7-0 (Deputy Mayor Lenares and Councilor Bowen absent).

Councilor Nasinnyk moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

7. EMS Committee

5 members, 2 year term

Party Max: (4)

Remaining members: 2 Rep.

Name	Address	Party	Term	Replaces
Fire Rep.:			IMMED – 12/31/08 1/1/09 – 12/31/10	Vacancy
NVA Rep.:			1/1/09 - 12/31/10	Scott Woods (term exp. 12/31/08)
Police Rep. Derek Sutton	131 Cedar Street	D	1/1/09 - 12/31/10	Derek Sutton (term exp. 12/31/08)

Motion seconded by Councilor Banach. Motion passed 7-0 (Deputy Mayor Lenares and Councilor Bowen absent).

Councilor Banach moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

20. Tri-Town Community Cable Access Committee

3 members, 3 year term

Party max.: 2

Remaining Members: 2 Rep.

Michael Fox	1901 Main Street	D	1/1/09-12/31/11	Michael Fox (term exp. 12/31/08)
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Motion seconded by Councilor Nasinnyk. Motion passed 7-0 (Deputy Mayor Lenares and Councilor Bowen absent).

VI TAX REFUNDS

Councilor Banach moved the following:

RESOLVED:

That property tax refunds in the amount of \$2,998.32 are hereby approved in the individual

amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.

Motion seconded by Councilor Nasinnyk. Motion passed 7-0 (Deputy Mayor Lenares and Councilor Bowen absent).

VII MINUTES OF PREVIOUS MEETINGS

A November 18, 2008

Councilor Boni moved to accept the minutes of the November 18, 2008 meeting as written. Motion seconded by Councilor Banach. Motion passed 7-0 (Deputy Mayor Lenares and Councilor Bowen absent).

The Council agreed to revert to agenda item VI-H: Discussion of Referendum Question

Councilor Banach stated that he is in favor of having two separate questions for the Charter referendum, one for the Charter minus the budget initiative and one for the budget initiative itself. Mayor Wright stated that having two questions would be confusing and stated that he is in favor of a single question. Councilor Nasinnyk remarked that wording of the questions is confusing and requested to use streamlined wording on the ballot. She spoke in favor of having two separate questions. Councilor Cohen inquired whether the question must be voted upon at the current meeting. Mayor Wright replied in the negative. Atty. Clark stated that the formation of the questions would come after any recommendations made to the Commission are returned to the Council. Councilor Nasinnyk inquired what would happen to the Charter section that refers to section 821 in the event that section 821 is rejected by the voters. Atty. Clark stated that he spoke with a State election officials and stated that the questions can be crafted in such a way to avoid that problem. He recommended keeping the question(s) simple.

I Discussion on Dates of Referendum

Mayor Wright suggested that if the Council decides not to send any recommendations back to the Charter Commission and votes to make the draft the final document that it is done prior to the upcoming budget season, and that ample notice of the special election is given. Councilor Cohen noted that for other types of referendums, such as building projects, the Council has to stay neutral and inquired whether the same is true for the members of the Council and Commission in this case. Atty. Clark stated that he will research the question and will come back to the Council with an answer.

Councilor Bottalico stated that he did not understand Commissioner Briggaman's comments during public participation regarding his proposed amendments to the education circuit breaker. Atty. Clark stated that he will study the recommendation and will get back to the Council with an opinion.

VIII WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

The Council discussed the Town Manager reports including the following topics:

- Police overtime – Councilor Boni expressed that he is happy to see the decrease in police overtime, and inquired about support services overtime. Town Manager Salomone stated that when the SRO is not available to work the position is filled by another officer, which sometimes results in overtime.
- Town Manager Salomone is meeting with New Samaritan in the upcoming week to receive a status update on the senior housing project.
- The status of the National Welding property – Town Manager Salomone indicated that there have been issues with moving forward on the same timeline due to issues with financing, but the State DOT has agreed on the geometry of the road that will accommodate the new development.
- Sam's Club is projected to open this winter.

IX COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Nagel reported on the following committees:

- CRCOG (November and December meetings) topics discussed:
 - Hartford Metro Alliance transportation

- Mid Atlantic Consultant's final report on waste management
- The non-profit organization Journey Home and the details of the program
- An resolution will be presented to CRCOG in January regarding current PF options
- CRCOG Community Development Committee – discussed the results of the Capital region roundtable
- A plan was presented having to do with conservation, development and open space
- Capitol Workforce year-end audit
- A presentation of a summer youth employment program
- Discussion of problems with the court mandated funding for magnet schools
- Library Board topics discussed:
 - Increases in the use of the Library, children's programs and the website
 - Voted to change exhibit policy
 - Discussed the cleanup process of the recently acquired Mill Street property
 - The Library's gift acceptance policy can now be found on its website.
- Safety Committee topics discussed:
 - Val Ginn spoke to the Committee representing the newly formed Downtown Business Associates to hear the Committee's concerns
 - Tim Manke has been elected the Committee's Vice Chair
 - The Safe Routes to School survey process was discussed.

Councilor Bottalico reported on the following committees:

- Parks and Recreations: Bruce Till has been names Superintendent of Parks and Recreations.
- Standing Insurance Committee: Viewed a presentation, and may have a two year freeze on insurance.

X PUBLIC PARTICIPATION – IN GENERAL

Rose Lyons, 46 Elton Drive: Ms. Lyons noted the second point on the Republican's three-point pledge and stated that she still has not received the answer to her question of how voting on a budget would give her a say as to how her tax dollars are spent. She stated that as she understands it she will have a say in how much money is spent, not where it is spent. She remarked that the Mayor lead the Town Attorney very well with his questions on whether the Charter Commission did its job according to statute. She stated the motion to send the draft report to the Council at the Commission's special meeting without discussion or consideration of what was said at the Public Hearing was an insult to those who had participated in the Public Hearings.

XI REMARKS BY COUNCILORS - none

XII ADJOURNMENT

Councilor Bottalico moved to adjourn the meeting at 10:55pm. Motion seconded by Councilor Nagel. Motion passed 7-0 (Deputy Mayor Linares and Councilor Bowen Absent)

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk of the Council